

Docket No.: 041-1790E



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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9/12/02*
PATENT
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SEP 12 2002

Technology Center 2600

In re Application of

Takayuki SUGAHARA

ATTENTION: Technical Center
Director

Serial No.: 09/469,499

Group Art Unit: 2713

Filed: 22 December 1999

Examiner: Y. Lee

For: REPRODUCTION APPARATUS AND METHOD FOR PROVIDING USER
MODIFIABLE PROTECTION OF DATA REPRODUCTION

SECOND PETITION TO RESET A PERIOD FOR REPLY DUE TO NON-RECEIPT OF
OFFICE ACTION

AND

SECOND REQUEST FOR CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents
Washington, D. C. 20231

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SEP 12 2002

Sir:

Technology Center 2100

Applicants respectfully request that the Office Action that was mailed on June 3, 2002 be re-mailed and the period restarted since the Office Action was never received at the new correspondence address.

**APPLICANTS ALSO AGAIN EXPLICITLY REQUEST THAT THE
CORRESPONDENCE ADDRESS FOR THIS APPLICATION BE CHANGED TO THE
FOLLOWING:**

Israel Gopstein
Clark & Brody
1750 K Street NW #600
Washington DC 20006
phone 202-835-1111
fax 202-835-1755

Serial No. 09/469,499

In support of these requests, the following is submitted:

STATEMENT OF THE FACTS INVOLVED

The present Application was filed on March 21, 2001, as a CPA of Application Serial No. 09/469,499.

The CPA Request included an **EXPLICIT REQUEST to CHANGE THE CORRESPONDENCE ADDRESS.**

The new correspondence address was identified as being the law firm of the undersigned at 1750 K Street, N.W., Suite 600, Washington, D.C. 20006. Attached is a copy of the Request.

This change of address was pointed out in a Petition filed April 19, 2001 (copy attached) to have the office action that was mailed on July 30, 2001 re-mailed since this Office Action was not sent to the new correspondence address and never received.

While this office action was re-mailed on June 3, 2002, it was not received at the new correspondence address.

The issuance of the final rejection of June 3, 2002 was brought to the undersigned's attention on September 9, 2002 by applicants.

Based on this information, a telephone discussion on September 9, 2002 ensued between Christopher W. Brody, an attorney of record in this case, and Examiner Lee. The Examiner confirmed that the final rejection was mailed on June 3, 2002, and that the Office Action was mailed to the Lowe Hauptman firm, the prior correspondence address.

Serial No. 09/469,499

Although an Office Action was purportedly mailed on June 3, 2002, the Office Action was never received at the offices of undersigned, nor by undersigned practitioner, nor any other practitioner at the law firm of the undersigned. Undersigned practitioner further attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received by anyone at this office.

Non-receipt of the Office Action is again supported by the Declaration of Ms. Marcia Harrold, docket clerk for the firm of record, which was submitted with the Petition filed on April 19, 2002.

RELIEF REQUESTED

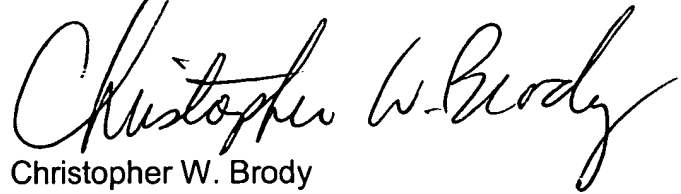
Inasmuch as Applicants have brought to the PTO's attention that a request for a correspondence address change has been made, the PTO still failed to send the re-mailed office action to the proper address, and it was never received at the undersigned's offices, Applicants courteously petition that the Office Action of June 3, 2002 be re-mailed **TO THE ADDRESS LISTED BELOW** and the period for response for the action be restarted.

Serial No. 09/469,499

Finally, any fees due in connection with the petition set forth above should be charged to deposit account no. 50-1088.

Respectfully submitted,
CLARK & BRODY

By

A handwritten signature in black ink, reading "Christopher W. Brody". The signature is written in a cursive style with a large, stylized "C" at the beginning.

Christopher W. Brody
Reg. No. 33,613

1750 K Street, NW, Suite 600
Washington, DC 20006
Telephone: 202-835 1753
Facsimile: 202-835-1755
Docket No.: 041-1790E
Date: September 10, 2002

Docket No.: 041-1790E



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Takayuki SUGAHARA

Serial No. 09/469,499

Filed: 22 December 1999

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: Group Art Unit: 2613

: Examiner Y. Lee

For: REPRODUCTION APPARATUS AND METHOD FOR PROVIDING USER
MODIFIABLE PROTECTION OF DATA REPRODUCTION

DECLARATION OF MARCIA HARROLD

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

I, Marcia Harrold, hereby declare as follows.

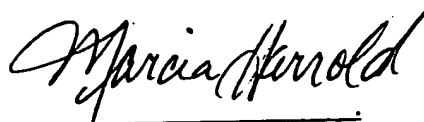
1. I am employed by the law firm of Clark & Brody;
2. I am the docketing clerk of the law firm of Clark & Brody;
3. My duties as the docketing clerk include receipt of all documents from the Patent and Trademark Office, review of such documents to identify any patent application associated therewith and to ascertain the nature of the received document as well as whether or not a response or other action is required thereby.
4. Upon identifying that a document received from the Patent and Trademark Office relates to a particular patent application and that a response thereto is required, I enter scheduling information relating to the document and to the required response into the firm's computerized docketing system.

5. I also manually enter the docket number of the application and the nature of the required response in a docket book situated on my desk.
6. My docket book is a one year calendar, having one page for each day of the year. When I enter a docket number and required response in the docket book, I enter the information on the page provided for the due date of the response.
7. Upon entering into the docketing system information identifying, *inter alia*, the nature of a received document from the Patent and Trademark Office, the docket number of the relevant patent application to which the document relates, and the date the document was mailed by the Patent and Trademark Office, the docketing system computes appropriate response dates and enters such dates into a record displayed to me as a table describing the patent application identified by the docket number and, *inter alia*, storing and displaying the due date for responding to the document as well as permissible extensions from that date.
8. In the normal course of my employment, prior to closing the displayed record, I verify that the information has been entered and is displayed in the record of the patent application identified by the document received from the Patent and Trademark Office. I have never observed the firm's computerized docketing system fail to provide proper scheduling for an Action entered into the system.
9. If an Official Action mailed July 30, 2001, had been received, the firm's computerized docketing system would show a response due date of October 30, 2001.
10. Exhibit A is a biweekly docket report for Israel Gopstein, the attorney primarily responsible for prosecuting the above-captioned application, which was printed in the

week preceding the onset of the reported docket period. This report does not show any response due for October 30, 2001, in Application Serial No. 09/469,499.

11. Attached Exhibit B is a photocopy of the page in my docket book for October 30, 2001.
12. I am the only individual entering scheduling data related to correspondence from the Patent and Trademark Office into, or modifying such scheduling data stored in, the firm's computerized docketing system or in my docketing book.
13. Based on Exhibits A and B, I declare that I have never received any document, or entered any data, relating to any Office Action in the above identified application which may have been mailed on July 30, 2001.
14. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon

Respectfully submitted,



Marcia Harrold

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

[] DUPLICATE

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of prior application: 041-1790B

First Named Inventor: Takayuki SUGAHARA

Express Mail Label No.:

Total Pages:

This is a request for a Continued Prosecution Application under 37 CFR 1.53(d) of prior application Serial Number 09/469,499, filed on 22 December 1999, entitled REPRODUCTION APPARATUS AND METHOD FOR PROVIDING USER MODIFIABLE PROTECTION OF DATA REPRODUCTION, as amended.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national state of an international application in compliance with 35 USC 371. Effective May 29, 2000, a CPA may only be filed in a utility of a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (April 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 USC 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. [] Enter the unentered amendment and supplemental amendment previously filed on { }, under 37 CFR 1.116 in the prior nonprovisional application.
2. [X] A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. [] DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. [] The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. [] A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. [] PTO-1449
 - b. [] Copies of IDS Citations

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	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Total Claims	15	MINUS 20	0	x \$18 =	\$.00
Independent Claims	5	MINUS 3	2	x \$80 =	\$160.00
Basic Application Fee					\$ 710.00
If multiple dependent claims are presented, add \$260.00					\$0.00
Total Application Fee					\$870.00
Subtract 1/2 if small entity					\$0.00
TOTAL APPLICATION FEE DUE					\$870.00
PAYMENT MADE BY FORM PTO 2038					\$870.00


6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments, or to charge the following fees to Deposit Account No. 50-1088:
- a. ☒ Only fees in addition to the above which may be required under 37 CFR 1.16.
- b. ☒ Only fees in addition to the above which may be required under 37 CFR 1.17.
8. ☐ Attached is a check in the amount of \$.00
9. ☒ Attached is Form PTO 2038 including the amount of **\$870.00** and \$110 for Extension of Time to respond to a Final Action in the Parent Application, as well as a Petition therefor.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(I) enclosed).
11. ☒ New Attorney Docket Number, if desired: 041-1790E
12. a. ☐ Receipt For Facsimile Transmitted CPA.
- b. ☒ Return Receipt Postcard (Specifically itemized, see MPEP 503).
13. ☐ OTHER:

NOTE: The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

14. ☒ NEW CORRESPONDENCE ADDRESS BELOW:

Israel Gopstein,
Attorney at Law
Clark & Brody
1750 K Street, N.W., Suite 600
Washington, D.C. 20006
Telephone: (202) 835-1111 Fax: (202) 835-1755

Respectfully submitted,


Israel Gopstein
Registration No. 27,333

Date: March 21, 2001